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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,160	12/26/2001	Thomas James Edsall	ANDIP001	9388

22434 7590 02/05/2007  
BEYER WEAVER LLP  
P.O. BOX 70250  
OAKLAND, CA 94612-0250

EXAMINER
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PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/034,160

Applicant(s)

EDSALL ET AL.

Examiner

Brenda Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-23,25-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-23,25-50,52-61,63-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

BRENDA PHAM  
PRIMARY EXAMINER

*Brenda A. Pham* 1/22/07

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-2, 4-23, 25-56, 58-61, 63-66 are pending in this application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, 7-14, 22-23, 25-26, 28-35, 44-49, 53-56, 58-60, 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAKAYAMA et al (US 2001/0049739 A1) in view of ISHIZAKI (US 2003/0101239 A1) further in view of Rosen (US 6,337,861 B1).

Regarding claims 1, 2, 22-23, 44-46, 50, 55, 56, 60, 65-66, WAKAYAMA et al discloses a network device and method for use in a network, the method comprising: receiving or generating a packet or frame compatible with a standard protocol employed in the network; encapsulating the packet or frame with a network identifier and information specifying at least one of a TTL value and MPLS information, wherein encapsulating comprises appending a header to the packet or frame to create a new packet or frame, wherein the header include fields for the VLAN identifier and

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information specifying at least one of the TTL value and the MPLS information; and sending the encapsulated packet or frame (see figure 1-5, [0048] thru [0059]).

Although WAKAYAMA et al does not teach VLAN can be used as VSAN, it is well known in the art that a "Storage Area Network" or SAN means any network, real or virtual, that has one of its primary functions to provide storage from one or more storage system to one or more computer system (as is defined by TAMURA et al, US 6,728,848).

ISHIZAKI, in the same field of invention, also teach a storage device with VLAN support. Ishizaki teach a secure IP protocol capable storage devices using Virtual Local Area Network (VLAN) techniques (see abstract).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the method of WAKAYAMA et al in a virtual storage area network, such as that teach by ISHIZAKI, in WAKAYAMA et al.

Although WAKAYAMA et al further fails to teach wherein the header includes a field specifying Ethernet, this limitation is well known in the art and also shows by Rosen (see figure 4, "Ethernet packet 400 contains a payload field 406 that is encapsulated between the Ethernet header field 402 and a trailing CRC field 404. The Ethernet header field 402 includes a type field 403 that specifies that the payload fields 406 contains an MPLS protocol data unit, such as a tagged IP datagram.

It would have been obvious to those having ordinary skill in the art to implement a header field type specifying Ethernet frame in the system of WAKAYAMA et al.

Claims 4, 5, 7, 25, 26, 28, 53, 58, 63, WAKAYAMA et al teaches wherein the TTL value specifies a number of remaining hops that can be traversed before the encapsulated packet or frame is dropped.

Claims 8-10 13, 29-31, 34, 48, 54, 59, 64, WAKAYAMA et al further teach wherein the header further comprises a field specifying a type of traffic to be carried by the packet or frame, and where in the available types includes at least one of Ethernet, fibre channel, and Infiniband (see figure 9).

Claims 11 and 32, WAKAYAMA et al, further teach wherein the header further comprises a field specifying a use priority for the packet or frame ([0024] and FIG. 2, element 514-1).

Claims 12, 14, 33, 35, 47, 49, as explained in the rejection statement of claim 1 (parent claim), WAKAYAMA et al in view of discloses all the claim limitation in parent claim. Although WAKAYAMA et al in view of ISHIZAKI do not teach wherein the standard protocol is fibre channel or Infiniband, it is well known in the art to implement Fibre Channel or Infiniband standard protocol in MPLS switching network.

4. Claims 6, 16-20, 27, 38-42, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAKAYAMA et al (US 2001/0049739 A1) in view of ISHIZAKI (us

2003/0101239 A1) further in view of Rosen (US 6,337,861 B1), furthermore in view of BEHZADI (US 6,728,220 B2).

Regarding claims 6, 27, 52, as explained in the rejection statement of claims 1, 22 (parent claims) WAKAYAMA et al in view of ISHIZAKI discloses all the claim limitation in parent claim. Although WKAYAMA et al in view of ISHIZAKI do not teach calculating an error check value for the new packet or frame and including the error check value the new packet or frame, insert CRC value field in MPLS header is well known and is show in FIG. 6 of BEHZADI. It is well known in the art a process used to check the integrity of a block of data. A CRC character is generated at the transmission end. Its value depends on the hexadecimal value of the number of ones in the data block. The receiving end makes a similar calculation and compares its results with the added character. If there is a different, the recipient requests retransmission. CRC is a common method of establishing that data was correctly received in data communications.

Therefore, it would have been obvious to those having ordinary skill in the art to implement packet header including CRC field.

Claim 16, 37, BEHZADI further teaches wherein the header includes a TTL field and the field has 8 bits reserved (see column 2, lines 35-39).

Claim 17-20 and 38-42, BEHZADI further teach wherein the new packet or frame includes one or more MPLS labels, each of the labels including an indicator to indicate

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whether the label is the last label in a label stack; wherein the indicator field is one bit. {As shows in FIG. 2, the MPLS label field carries the label value that is used to forward a packet to the next LSR. The stacking field is used to identifying when an MPLS header is the last MPSTL header in a stack of MPLS headers, and the TTL field carries a TTL value that places a limit on the number of hops an MPLS packet can traverse within an MPLS domain.}

5. Claims 15, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAKAYAMA et al (US 2001/0049739 A1) in view of ISHIZAKI (US 2003/0101239 A1) further in view of Rosen (US 6,337,861 B1) and further in view of WALRAND et al (US 6,674,760 B1).

Regarding claims 15, 36, WAKAYAMA et al in view of ISHIZAKI discloses a method as set forth in claim 1 (parent claim), WAKAYAMA et al and TAMURA et al does not teach wherein the header field for the virtual storage area network identifier has 12 bits reserved.

WALRAND et al, in the same field of endeavor, teach the VSAN tag includes a 12-bit VSAN-ID used to identifying the VSAN to which the packet is directed (see [0005]).

Therefore, it would have been obvious to implement a 12-bit VSAN- ID in the header.

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6. Claims 21, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAKAYAMA et al (US 2001/0049739 A1) in view of ISHIZAKI (US 2003/0101239 A1) further in view of Rosen (US 6,337,861 B1) and furthermore in view of AGGARWAL et al (US 6,330,614 B1).

Regarding claims 21, 43, WAKAYAMA et al in view of ISHIZAKI disclose all the claim limitation recited in claim 1 (parent claim). WAKAYAMA et al in view of ISHIZAKI do not teach wherein the header further includes a version field indicating a version of the header. The limitation is well known in the art and is teach by AGGARWAL et al in according to figure 7.

It would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the version field indicating a version of the header, such as that teach by AGGARWAL et al.

### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

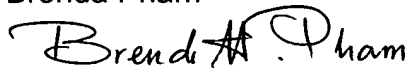
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

January 22, 2007

Brenda Pham

A handwritten signature in black ink that reads "Brenda Pham". The signature is written in a cursive style with a large, stylized "B" and "P".

**BRENDA PHAM**  
**PRIMARY EXAMINER**